

STATE OF CALIFORNIA
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
STATE WATER RESOURCES CONTROL BOARD

DIVISION OF WATER RIGHTS

In the Matter of License 10807 (Application 23837)

City of Arcata, Environmental Services Department

ORDER REVOKING LICENSE

SOURCE: Jacoby Creek

COUNTY: Humboldt

WHEREAS:

1. The Licensee's representative requested on May 14, 2008 that the License be revoked by the State Water Resources Control Board (State Water Board), Division of Water Rights (Division).
2. The Division interprets the Licensee's request for revocation as a waiver of the notice and hearing requirements set forth in Water Code sections 1675 through 1675.1.

Therefore, it is ordered that License 10807 is hereby revoked by the State Water Board, and the water is declared to be subject to appropriation. This revocation may not result in additional water being available for new appropriations if there are applicable restrictions due to past State Water Board decisions regarding water availability.

STATE WATER RESOURCES CONTROL BOARD



*Victoria A. Whitney, Chief
Division of Water Rights*

Dated:

JUL 15 2008



STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

License for Diversion and Use of Water

APPLICATION 23837

PERMIT 16406

LICENSE 10807

THIS IS TO CERTIFY, That

ATOPAK DEVELOPMENT CORPORATION
P. O. BOX 146, ARCATA, CALIFORNIA 95521

HAS *made proof as of* SEPTEMBER 7, 1976 *(the date of inspection)*
to the satisfaction of the State Water Resources Control Board of a right to the use of the water of
JACOBY CREEK IN HUMBOLDT COUNTY

tributary to HUMBOLDT BAY

for the purpose of IRRIGATION USE

under Permit 16406 of the Board and that the right to the use of this water has been perfected in accordance with the laws of California, the Regulations of the Board and the permit terms; that the priority of this right dates from AUGUST 9, 1971 and that the amount of water to which this right is entitled and hereby confirmed is limited to the amount actually beneficially used for the stated purposes and shall not exceed SEVENTY-SIX HUNDREDTHS (0.76) CUBIC FOOT PER SECOND, TO BE DIVERTED FROM JUNE 1 TO OCTOBER 1 OF EACH YEAR. SO LONG AS THERE IS NO INTERFERENCE WITH OTHER RIGHTS, JUNIOR, AS WELL AS SENIOR, LICENSEE MAY INCREASE HIS RATE OF DIVERSION TO A MAXIMUM OF 1.3 CUBIC FEET PER SECOND; PROVIDED THAT THE TOTAL QUANTITY DIVERTED IN ANY 30-DAY PERIOD DOES NOT EXCEED 46 ACRE-FEET. THE MAXIMUM AMOUNT DIVERTED UNDER THIS RIGHT SHALL NOT EXCEED 140 ACRE-FEET PER YEAR.

THE POINT OF DIVERSION OF SUCH WATER IS LOCATED:

NORTH 800 FEET AND WEST 2,700 FEET FROM SE CORNER OF SECTION 4, T5N, R1E, HB&M, BEING WITHIN SE1/4 OF SW1/4 OF SAID SECTION 4.

A DESCRIPTION OF THE LANDS OR THE PLACE WHERE SUCH WATER IS PUT TO BENEFICIAL USE IS AS FOLLOWS:

30 ACRES WITHIN SW1/4 OF SW1/4 OF SECTION 4, T5N, R1E, HB&M
35 ACRES WITHIN SE1/4 OF SW1/4 OF SECTION 4, T5N, R1E, HB&M
10 ACRES WITHIN SW1/4 OF SE1/4 OF SECTION 4, T5N, R1E, HB&M
30 ACRES WITHIN NW1/4 OF NW1/4 OF SECTION 9, T5N, R1E, HB&M
40 ACRES WITHIN NE1/4 OF NW1/4 OF SECTION 9, T5N, R1E, HB&M
15 ACRES WITHIN NW1/4 OF NE1/4 OF SECTION 9, T5N, R1E, HB&M

160 ACRES TOTAL.

FOR THE PROTECTION OF FISH, NO DIVERSION SHALL BE MADE WHICH DEPLETES THE FLOW OF THE STREAM TO LESS THAN 1 CUBIC FOOT PER SECOND. NO WATER SHALL BE DIVERTED UNTIL THE LICENSEE HAS INSTALLED IN THE STREAM IMMEDIATELY BELOW HIS POINT OF DIVERSION A STAFF GAGE, OR OTHER DEVICE SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, SHOWING THE WATER LEVEL WHICH CORRESPONDS TO A FLOW OF 1 CUBIC FOOT PER SECOND. SAID MEASURING DEVICE SHALL BE PROPERLY MAINTAINED.

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THE QUANTITY OF WATER DIVERTED UNDER THIS LICENSE IS SUBJECT TO MODIFICATION BY THE STATE WATER RESOURCES CONTROL BOARD, IF, AFTER NOTICE TO THE LICENSEE AND AN OPPORTUNITY FOR HEARING, THE BOARD FINDS THAT SUCH MODIFICATION IS NECESSARY TO MEET WATER QUALITY OBJECTIVES IN WATER QUALITY CONTROL PLANS WHICH HAVE BEEN OR HEREAFTER MAY BE ESTABLISHED OR MODIFIED PURSUANT TO DIVISION 7 OF THE WATER CODE. NO ACTION WILL BE TAKEN PURSUANT TO THIS PARAGRAPH UNLESS THE BOARD FINDS THAT (1) ADEQUATE WASTE DISCHARGE REQUIREMENTS HAVE BEEN PRESCRIBED AND ARE IN EFFECT WITH RESPECT TO ALL WASTE DISCHARGES WHICH HAVE ANY SUBSTANTIAL EFFECT UPON WATER QUALITY IN THE AREA INVOLVED, AND (2) THE WATER QUALITY OBJECTIVES CANNOT BE ACHIEVED SOLELY THROUGH THE CONTROL OF WASTE DISCHARGES.

Licensee shall allow representatives of the Board and other parties, as may be authorized from time to time by the Board, reasonable access to project works to determine compliance with the terms of this license.

All rights and privileges under this license including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time to time by the Board.

The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein specified and to the lands or place of use herein described.

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the Board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated:

MAY 30 1978

STATE WATER RESOURCES CONTROL BOARD

R. L. Brumley
Chief, Division of Water Rights